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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,975	08/08/2001	Franz Astleitner	112740-268	3146
29177	7590	09/15/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/924,975

Applicant(s)

ASTLEITNER ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-10, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brumm et al. in Pub. No. US 2002/0054590 A1.

Referring to claim 1, Brumm et al. discloses a method for transmitting control information between a line-switching and a packet-switching communications network, comprising the steps of: converting user data signaling messages into signaling packets that are used in the line-switching network containing control information and the packet-switching communications network containing control information (see paragraph [0028] lines 1-6); setting up a signaling connection for transmitting signaling packets, which form connection-independent control information which relates to at least one service feature in the line-switching communications network, in the packet-switching network in order to use the at least one service feature of the line-switching communications network in the packet-switching communications network by means of the control information, independently of the connection (see paragraph [0028] lines 8-16, paragraph [0029] lines 1-10).

Referring to claim 2, Brumm et al. discloses the method further comprising the step of integrating the at least one control information item which relates to a service feature in the line-switching communications network into at least one signaling packet which initiates the setting up of a signaling connection (see paragraph [0003] lines 4-9, paragraph [0020] lines 2-8).

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Regarding claim 5, BRUMM et al. discloses that the use of the at least one service feature in the line-switching communications network relates to the control or request, or activation or deactivation, or status check or notification relating to the status thereof (see paragraph [0003] lines 4-12).

Regarding claim 6, BRUMM et al. discloses that a data block for the at least one control information item which is to be transmitted and is independent of the user connection is provided within the at least one signaling packet (see paragraph [0003] lines 18-21).

Regarding claim 7, BRUMM et al. discloses that the parameters for the at least one control information item which is to be transmitted and is independent of the user connection are defined within the at least one signaling packet (see paragraph [0003] lines 18-21).

Regarding claim 8, BRUMM et al. discloses that IP based protocols are used for transmitting the signaling packets in the packet-switching communication network (see paragraph [0028] lines 1-16).

Regarding claim 9, BRUMM et al. discloses that the signaling message which is used in the line-switching communications network and contains control information is represented by a DSSI message (see paragraph [0029] lines 1-1-10).

Regarding claim 10, BRUMM et al. discloses that the signaling packet which is used in the packet-switching network and contains control information is represented by an H.225 message (see paragraph [0003] lines 12-15).

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Referring to claim 12, Brumm et al. discloses a control unit (14) for conversion of user data signaling messages used between a line-switching communications network containing control information, to signaling packets used in a packet-switching communications network containing control information, the control unit is arranged at the transmitter or receiver end of a signaling connection which is set up in the packet-switching communications network for transmitting signaling packets, and having a module for integration and extraction of connection-independent control information, which relates to at least one service feature in the line-switching communications network, into and out of the signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

Referring to claim 13, Brumm et al. discloses a communication device (14) arranged in a line-switching communications network, the communication device comprising a module for integration and for extraction of connection-independent control information which relates to at least one service feature in the line-switching communications network into and out of signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

Referring to claim 14, Brumm et al. discloses a communications terminal (14), arranged in a packet-switching communications network, the communications terminal comprising a module for integration and for extraction of connection-independent control information which relates to at least one service feature in the line-switching communications network into and/or out of signaling packets to be transmitted (see paragraph [0028] lines 1-16, paragraph [0029] lines 1-10).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over BRUMM et al. in Pub. No. US 2002/0054590 A1.

Regarding claim 11, BRUMM et al. fails to disclose the feature of integrating a standard DSS1 REGISTER/NOTIFY/FACILITY message with a DUMMY CALL REFERENCE message in an H.225 SETUP message, which is well known in the art and commonly used in communications field for implementing ITU Standards Q.931 & Q.932 as specified.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brumm et al. in Pub. No. US 2002/0054590 A1 in view of Dunn et al. in U.S. Patent No. 6,324,280 (both of record).

Referring to claims 3 and 4, Brumm et al. differs from the claims in that it fails to disclose a further step of acknowledging the reception of the at least one signaling packet (H.225 SETUP) which initiates the setting up of a signaling connection and the step of terminating a signaling connection after receiving an acknowledgement, after a defined time interval has

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passed, or after a defined number of signaling packets have been transmitted. Both features are well known in the art and commonly used in data communication for error detection and correction purposes.

Dunn et al., for example, from the similar field of endeavor, teaches the claimed features of acknowledging the reception of the at least one signaling packet which initiates the setting up of a signaling connection and the step of terminating a signaling connection after receiving an acknowledgement, after a defined time interval has passed, or after a defined number of signaling packets have been transmitted (see column 4, lines 5-49), which can be easily adopted by one of ordinary skill in the art to implement into the method of Brumm et al. to provide error detection/correction control in Brumm et al. to further improve the system reliability and efficiency.

7. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

In the remark, the applicant mainly argued that the cited BRUMM reference teaches a telecommunications system having a packet switching communications network where a subscriber is connected to the packet-switching communications network and a network element of a circuit-switching communications network is connected to the packet-switching network using an interface unit. The interface unit (packet control unit) performs a protocol conversion of signaling information of the circuit-switching communications network into signaling information of the packet-switching communications network in order to operate a telecommunications system having a packet-switching communications network ([0028] – [0029]). The protocol-conversion converts the H.225-signaling packet of the packet-switching

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network into DSSI-signaling information of the circuit-switching network. As such, the conversion is dependent on the signaling connection. And the present claims, in contrast, recite that the signaling information of the circuit switching network is contained as user data in the signaling packets of packet-switching network. As such, there is no protocol conversion of the signaling packet data (11.225 - DSSI). The DSSI-signaling information is unchanged and transported unchanged by the H.225-signaling packet in the packet-switching network. When setting up a signaling connection in the packet-switching network, the signaling packet for the call set-up (SETUP message) in the packet-switching network contains tunneled signaling information of the circuit-switching network. This signaling packet is sent to the control unit which extracts the signaling information (see claims 12-14) of the circuit-switching network from the signaling packet of the packet-switching network and sends this signaling information to a switching center in the circuit-switching network.

The examiner disagrees since the BRUMM reference discloses many of different embodiments, within these embodiments, it does teach the signaling information of the circuit switching network is contained as user data in the signaling packets of packet-switching network. As such, there is no protocol conversion of the signaling packet data (11.225 - DSSI). The DSSI-signaling information is unchanged and transported unchanged by the H.225-signaling packet in the packet-switching network (see paragraph [0003] lines 4-9, [0008] lines 1-11, [0013] lines 2-10, paragraph [0017] lines 1-5, ..., etc.). Furthermore, it also teaches when setting up a signaling connection in the packet-switching network, the signaling packet for the call set-up (SETUP message) in the packet-switching network contains tunneled signaling information of the circuit-switching network (see paragraph [0015] lines 2-7).



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In view of the above reasoning, the examiner believes that the rejections under 35 U.S.C. 102(e) and 103 (a) regarding claims 1-14 should be sustained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
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